

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**JORGE RIVERA,**

**Plaintiff,**

**VS.**

**OCWEN LOAN SERVICING, LLC,**

**Defendant.**

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**Case No. 4:12CV256**

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE AND ORDER DISMISSING PLAINTIFF'S  
AFFIRMATIVE CLAIMS AGAINST DEFENDANT**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 19, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendation that Defendant Ocwen Loan Servicing, LLC's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 5) be GRANTED and that Plaintiff's claims be dismissed with prejudice.

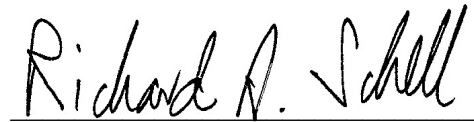
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant Ocwen Loan Servicing, LLC's Motion to Dismiss Pursuant to

Rule 12(b)(6) (Dkt. 5) is GRANTED and Plaintiff's claims against Defendant are dismissed with prejudice.

Defendant's counterclaim against Plaintiff remains until further order of the court.

**IT IS SO ORDERED.**

**SIGNED this the 27th day of March, 2013.**

A handwritten signature in cursive script, reading "Richard A. Schell", written in black ink. The signature is positioned above a horizontal line.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE